

Court Orders



Mrs. Jacqueline Kennedy with Caroline and John Jr.

Hearing on JFK Book

By HENRY LEE

As her first step in attempting to block book and magazine publication of an account of her husband's assassination, Mrs. Jacqueline Kennedy obtained a show-cause order in Supreme Court here yesterday.

Justice Saul S. Streit signed the order naming William Manchester, the Kennedy's chosen historian; Harper & Row, publishers of the book, called "Death of a President," and Cowles Communications, which plans a four-part serialization of the book in Look magazine.

The order, returnable Dec. 27, directs the defendants to submit briefs why a temporary injunction against publication should not be issued. The Look serial is scheduled to start Jan. 10 and Harper & Row has set an April publication date for the book itself.

Mrs. Kennedy submitted a sharply worded 10-page affidavit, and Sen Robert F. Kennedy a supporting five-page affidavit, as part of the court papers.

"Will Destroy My Rights"

Publication of the unapproved manuscript "will result in precisely the sensationalism and commercialism which we Robert F. Kennedy and I sought so strenuously to avoid," the former First Lady said.

"The threatened publication is in total disregard of my rights and, if it goes forward, will utterly destroy them."

Edward Costikyan, former Manhattan Democratic leader, represented Mrs. Kennedy in petitioning for the show cause order. She did not ask for a stay, which would have affected publication immediately.

"Spate of Sensationalism"

However, Mrs. Kennedy did ask the court to bar the defendants from selling or "in any way physically disposing of" and "announcing or advertising publications of the text" of any portion of the manuscript.

Mrs. Kennedy thus thumbnailed



Justice Saul S. Streit
Signs show cause order

the background of her agreement with Manchester:

"After the death of President Kennedy, our family became concerned about the spate of sensational and highly commercialized writings which we knew would appear concerning that event.

"In an attempt to make available to the public at least one work of accuracy and good taste which would be presented in a dignified manner, the family decided to assist defendant Manchester, a recognized author, in the preparation of an account of the circumstances and events

surrounding the death of President Kennedy."

According to her, Sen. Kennedy then entered into an agreement with the writer, the purpose being to "assure the accuracy, good taste and dignity of the text Manchester was to prepare and its presentation to the public without sensationalism and excessive commercialism."

Without her intervention and that of other members and friends of the Kennedy family, Manchester would have been unable "to gather so much pertinent and personal information," she said.

Cites a Safeguard

"The very fact that the family of President Kennedy was cooperating with Manchester was, of course, of immeasurable help to him in his amassing the facts," she added.

The Kennedys gave this help, she said, because they were protected by the agreement forbidding "improper use of the material he received." The author "agreed not to publish that manuscript until he had obtained my express consent and approval as to the mode, time and text of any publication."

Mrs. Kennedy said that she had not given such "consent or approval" and that both the book publisher and the magazine "refused to recognize my rights" under the Manchester-Kennedy agreement "even though they were at all times well aware of them."

The purpose of the injunction was "to prevent the imminent and willful destruction of my rights" under the agreement, she said. She charged that the defendants

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Court Sets a Hearing On the Kennedy Book

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had not only destroyed her contractual rights but also violated her right to privacy and her common law copyrights.

Cowles, she said, had repeatedly used her name without permission in ads seeking to sell magazine subscriptions.

"In addition, Manchester has obtained copies of certain letters that my daughter Caroline, and I had written to President Kennedy," she said.

"I also permitted him to record lengthy interviews with me. I believe he now has both the letters and the tapes in his possession.

"Long Quotations"

"I am informed and believe that the manuscript contains long quotations from the letters and from the spoken material which I dictated onto the tapes."

According to Mrs. Kennedy's affidavit, she understands that the manuscript is about 300,000 words in length and that Cowles had contracted with Manchester to publish extracts of the books not in excess of 80,000 words. For this, she believed Manchester was to receive \$665,000 for the serial rights.

Additionally, she has been advised that Manchester had granted Michael Joseph Ltd. of London the right to publish the book in Britain. Mrs. Kennedy said she had never given her consent or approval to either publisher.

"Repeatedly Advised"

Since Manchester made his agreement with Harper in April, 1964, she reported, the publishers have been "repeatedly advised of her rights."

The publication, she said, "is particularly distressing to me because defendant Harper was designated as the publisher at my request and had been the publisher of several books authored by President Kennedy, including 'Profiles in Courage.'"

In his supporting affidavit, Sen. Kennedy said:

"I categorically state that at no time did I ever give my approval or consent to the text of the manuscript, to any publication thereof, or to any time of publication."

"Rely on July Telegram"

The defendant rely on a July 28 telegram he sent at the urging of Manchester and Harper. Kennedy reported.

"I was told by Harper's repre-

sentative that Manchester was becoming ill from an obsession with the thought that the book might never be published," he explained.

In the wire, Kennedy said that, although he had not read Manchester's account, "I know of the President's respect for Mr. Manchester as an historian and a reporter."

Kennedy wrote in the telegram, "However, if Mr. Manchester's account is published in segments or excerpts, I would expect that incidents would not be taken out of context or summarized in any way which might distort the facts of, or the events relating to, President Kennedy's death."

A Second Telegram

Kennedy also cited a second telegram to Harper on Aug. 5 in which he reminded the publisher that Mrs. Kennedy and he must give permission for publication "and that has not yet been given."

Kennedy also said that no one who read the manuscript had authority to approve it on behalf of the President's widow or himself. He did not have authority to approve it on behalf of Mrs. Kennedy, he added.

Neither Harper & Row nor Cowles Communications had any immediate comment on the court action.

A highly placed official in the Kennedy Administration disclosed that in October a secret five-hour conference was held in Sen. Kennedy's New York apartment to discuss the book.

Mrs. Kennedy did not attend, and Sen. Kennedy was there only a short time. A lawsuit was mentioned only as a last resort, this source said, and he believed the publishers learned the sense of the meeting and really didn't think the Kennedy family would go that far.

The book is "beautifully written," with "a headline in every page," the former official said. However, he added, it was clear that Manchester "took stuff from the tape recorder when Mrs. Kennedy was not in control of her emotions."

"Also, the book presents a rather unfortunate picture of President Johnson."

However, he said, the sense of that meeting was to try to work out compromises rather than go to court and "until a couple of weeks ago I had the impression that things were getting along pretty well on that. They must have run into a real snag."